

Application No. 10/660,314  
Amendment dated August 25, 2004  
Reply to Office Action of May 25, 2004

Docket No. 1232-5144

### **REMARKS**

Applicants respectfully request reconsideration of this application in view of the foregoing amendment and following remarks.

#### **Status of the Claims**

Claims 1-23 are pending in this application. Claims 1, 17 and 23 are independent. All of the pending claims are rejected under 35 U.S.C. §103(a). By this Amendment, claims 1, 17 and 23 are amended. No new matter has been added by this Amendment.

#### **Rejection under 35 U.S.C. §103**

Claims 1-23 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,542,282 to Ogawa ("Ogawa") in view of U.S. Patent Application Publication No. 2003/0048521 to Ikeda et al. ("Ikeda").

The Examiner indicates among other things that "Ikeda et al. shows that it is known to provide an [sic] the electrophoretic charged particles moved to a second internal wall portion of each microcapsule an external surface of which is substantially out of contact with both said first and second substrates for presenting a white display (section 0042)."

Independent claims 1, 17 and 23 have been amended for further clarification. In particular, amended claim 1 further recites that "said electroconductive member at least partially fills a space defined by the first and second substrates and the external surfaces of adjacent microcapsules." Each of amended claims 17 and 23 recites similar corresponding features to amended claim 1 as discussed above. Support for the amendment may be found, for example, in

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Figs. 1-4, lines 1-7 of page 12, line 20 of page 19 and line 5 of page 23 of the original specification.

One of the aspects of the present invention as featured in each of amended claims 1, 17 and 23 is that the electroconductive member (i.e., second electrode) at least partially fills a space defined by the first and second substrates and the external surfaces of adjacent microcapsules, i.e., the second electrode fills the space between adjacent microcapsules.

Applicants note that Ogawa discloses an electrophoretic display device where charged color particles and an insulating liquid are enclosed in tubes. However, the first and second electrodes 3, 4 of Ogawa are disposed on a pair of first and second substrates 1, 2 as shown in Fig. 2 or on the first substrate as shown in Fig. 3. As a result, Ogawa fails to show or suggest that its electrode is disposed in a space created between adjacent tubes as required by amended claims 1, 17 and 23.

Ikeda discloses an electrophoretic display device including a first electrode 6 disposed on a rear-side substrate 2 and a second electrode 7 disposed inside a cell wall 3. However, Ikeda's display device is not a microcapsule type, failing to teach that the second electrode 7 is being disposed in a space between adjacent microcapsules as required by amended claims 1, 17 and 23.

Even when the Ikeda's device structure is applied to a microcapsule-type display device, the resulting device has such a structure that microcapsules each containing charged particles and a dispersing fluid are disposed at respective pixels and partitioned by a cell wall. In such a structure, a space is created between the cell wall and the microcapsule since the microcapsule is generally spherical. Further, the second electrode is disposed inside the cell wall, not inside the space, so that an electric field is generated also in the space.

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In contrast, in the claimed display device, such a space is filled with the second electrode (electro conductive member) at least a boundary between the second electrode and the microcapsule, so that an electric field is created only inside each microcapsule. Thus, the electric field is not leaked out of the microcapsule.

Accordingly, Applicants believe that each of amended claims 1, 17 and 23 is neither anticipated by nor rendered obvious in view of Ogawa and Ikeda, either taken alone or in combination, for at least the reasons discussed above.

Reconsideration and withdrawal of the rejections of claims 1, 17 and 23 under 35 U.S.C. §103(a) is respectfully requested.

Applicants have not individually addressed the rejections of the dependent claims because Applicants submit that the independent claims from which they respectively depend are in condition for allowance as set forth above. Applicants however reserve the right to address such rejections of the dependent claims should such be necessary.

Applicants believe that the application is in condition for allowance and such action is respectfully requested.

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**AUTHORIZATION**

No petitions or additional fees are believed due for this amendment and/or any accompanying submissions. However, to the extent that any additional fees and/or petition is required, including a petition for extension of time, Applicants hereby petition the Commissioner to grant such petition, and hereby authorizes the Commissioner to charge any additional fees, including any fees which may be required for such petition, or credit any overpayment to Deposit Account No. 13-4500 (Order No. 1232-5144). A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.

An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,  
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Dated: August 25, 2004

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